

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
VALDOSTA DIVISION**

**HEENABAHEN KETANKUMAR
PATEL, *et al.*,**

Plaintiffs,

v.

**ALEJANDRO MAYORKAS,
Secretary of Department of Homeland
Security, *et al.*,**

Defendants.

CASE NO: 7:23-cv-95 (WLS)

ORDER

On August 21, 2023, Plaintiffs filed their Complaint. (Doc. 1.) The docket reflects that a Summons was issued for each Defendant on August 23, 2023. (Doc. 2). The time for service has lapsed and Plaintiffs have not provided the Court with any indication that service of process has been properly executed upon the Defendants in this action. The Court ordered the Plaintiffs to file evidence of returned Summonses executed or waived and/or to show cause no later than Wednesday, November 29, 2023, why the Complaint should not be dismissed for failure to serve the Defendants. (Doc. 5) The Court noticed Plaintiffs that failure to respond or comply with the Court's order will subject Plaintiffs' Complaint to dismissal without prejudice, without further notice or proceeding. (*Id.*)

To date, Plaintiffs have failed to respond or comply with this Court's Order. There is no indication in the docket that service has been perfected as to any Defendant. Federal Rule of Civil Procedure 4(m) states that "[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice." Fed. R. Civ. P. 4(m). Accordingly, Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** for failure to serve the Defendants.

SO ORDERED, this 1st day of December 2023.

/s/W. Louis Sands

**W. LOUIS SANDS, SR. JUDGE
UNITED STATES DISTRICT COURT**